

## ANALYSIS

This ordinance amends Chapter 2.160 of Title 2 – Administration of the Los Angeles County Code, relating to registration and reporting requirements of county lobbyists, county lobbyist firms, county lobbyist employers, and other persons or entities by:

- Requiring county lobbyists, county lobbyist firms, and county lobbyist employers registered pursuant to Sections 2.160.020, 2.160.030, 2.160.040 of this Code, to annually renew the registration, beginning in January 2009;
- Increasing filing fees and eliminating other fees imposed in Section 2.160.140 of this Code;
- Increasing the penalties imposed in Section 2.160.150 of this Code;
- Making other technical or non-substantive changes to clarify the language and for internal consistency.

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By:   
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NMT:lm

[Requested: 08/21/07]  
[Revised: 8/31/07]  
[Revised 9/25/07]

**ORDINANCE NO. 2007-0097**

An ordinance amending Title 2 - Administration of the Los Angeles County Code, relating to the registration and reporting requirements of county lobbyists, county lobbyists firms, county lobbyist employers, and other persons or entities.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 2.160.010 is hereby amended to read as follows:

**2.160.010 Definitions.**

The following phrases, whenever used in this chapter, shall be construed as defined in this section:

A. "County official" includes a member of the board of supervisors, the sheriff, the assessor, the district attorney, a county commissioner, and any other county officer or employee whose duties are not primarily clerical or manual.

B. "Official action" means the drafting, introduction, consideration, modification, enactment or defeat of any county ordinance or board of supervisors motion or resolution, or the granting or denial of any county contract, permit, grant, license or franchise.

C. "Influencing official action" means promoting, supporting, influencing, modifying, opposing or delaying any official action by any means, including but not limited to the provision or use of information, statistics, studies or analyses.

D. "County lobbyist" means any individual who is employed, contracts or otherwise receives compensation, other than reimbursement for reasonable travel expenses, to communicate directly, or through agents, employees or subcontractors, with any county official for the purpose of influencing official action, if a substantial or

regular portion of the activities for which he or she receives such compensation is for the purpose of influencing official action. Provided, however, a county lobbyist shall not include:

(1) An elected or appointed public official or public employee when acting in his or her official capacity as an elected or appointed public official or public employee;

(2) Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge official action if such newspaper, periodical, book publisher, radio or television station or individual, engages in no further or other activities in connection with urging official action other than to appear before the board of supervisors or a county commission in support of or in opposition to such action; or

(3) A person whose attempts to influence official action are limited solely to actions taken as an attorney or advocate representing a party to an administrative proceeding the decision of which is reviewable by a court pursuant to Code of Civil Procedure Section 1094.5.

E. "County lobbying firm" means a business entity, including an individual county lobbyist, which receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing official action on behalf of any other person, if either any partner, owner, officer or

employee of the business entity is a county lobbyist, or a substantial or regular portion of the activities for which the business entity receives compensation is for the purpose of influencing official action. No business entity shall be considered a county lobbying firm by reason of activities described in subdivisions 1, 2 or 3 of subsection D of this section.

F. "County lobbyist employer" means a person or entity, other than a county lobbying firm, who, for economic consideration other than reimbursement for reasonable travel expenses, either employs one or more county lobbyists or contracts for the services of a county lobbyist or county lobbying firm, for the purpose of influencing official action.

G. "Activity expense" means any expense incurred or payment made by a lobbyist, lobbying firm, or lobbyist employer or arranged by a lobbyist or lobbying firm, which benefits in whole or in part any county official or a member of the immediate family of a county official, regardless of whether the expense or payment is reimbursed by the person on whose behalf the county lobbying services are performed. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation, but do not include campaign contributions.

H. "Campaign contribution" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected county official is a contribution to the candidate, committee or elected county official unless full and

adequate consideration is received for making the expenditure.

1. The term "campaign contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fundraising events; the candidate's own money or property used on behalf of his or her candidacy; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

2. The term "campaign contribution" further includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

3. The term "campaign contribution" does not include:

a. Amounts received pursuant to an enforceable promise to the extent such amounts have been previously reported as a contribution;

b. A payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are \$500.00 or less; or

c. Volunteer personal services or payments made by any individual for his or her own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her.

I. "Gift" shall be defined as set forth in the Political Reform Act, Government Code Section 81000 et seq., and the regulations adopted thereunder; except that the exclusion for campaign contributions shall be defined and governed as set forth in this chapter. ~~means any payment to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person claiming a payment is not a gift due to consideration received has the burden of proving that such consideration is of equal or greater value. Provided, however, the term "gift" shall not include:~~

~~1. Informational material such as books, reports, pamphlets, calendars, or periodicals, except that no payment for travel or reimbursement for any expenses shall be deemed informational material;~~

~~2. Gifts which are not used and which, within 30 days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;~~

~~3. Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin, or the spouse of any such person, except that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph;~~

~~4. Campaign contributions required to be reported under this chapter;~~

~~5. Any devise or inheritance; or~~

~~6. Personalized plaques and trophies with an individual value of less than \$250.00.~~

**SECTION 2.** Section 2.160.020 is hereby amended to read as follows:

**2.160.020 County lobbyist registration.**

A. Unless included either as part of the registration of a county lobbying firm filed pursuant to Section 2.160.030, or as part of the registration of a county lobbyist employer filed pursuant to Section 2.160.040, each county lobbyist, within 10 days of first becoming a county lobbyist, shall file with the executive officer of the board of supervisors a registration containing the following information:

1. A recent three-inch by four-inch photograph of the county lobbyist;
2. The county lobbyist's full name, business address and telephone number; and
3. A statement that the lobbyist has read and understands the prohibitions contained in Sections 2.160.120 and 2.160.130.

B. Effective January 1, 2008, a county lobbyist who is registered pursuant to this chapter shall retain that status through December 31, 2008, unless and until that person terminates the status as provided by this chapter. Thereafter, each county lobbyist shall be required to renew the registration on an annual basis, and shall pay an annual registration fee to the executive officer, as provided in Section 2.160.140, on or before the 10th day of January of the year of renewal.

**SECTION 3.** Section 2.160.030 is hereby amended to read as follows:

**2.160.030 County lobbying firm registration.**

A. Each county lobbying firm, within 10 days of first becoming a county lobbying firm, shall file with the executive officer of the board of supervisors a registration containing the following information:

1.A. The full name, business address and telephone number of the county lobbying firm;

2.B. A list of the county lobbyists who are partners, owners, officers, or employees of the county lobbying firm;

3.C. The county lobbyist registration required by Section 2.160.020 for each county lobbyist in the county lobbying firm;

4.D. For each person or other entity with whom the county lobbying firm contracts for the county lobbying firm to provide county lobbying services:

a.4. The full name, business address and telephone number of the contractor;

b.2. The contractor's written, signed authorization permitting the county lobbying firm to represent the interests of the contractor;

c.3. The time period of the contract;

d.4. If the contractor is an individual, the name and address of his or her employer, if any, or his or her principal place of business if he or she is self-employed, and a description of the business activity in which the contractor or his or her employer is engaged;



\_\_\_\_\_e.5. If the contractor is a business entity, a description of the business activity in which it is engaged;

\_\_\_\_\_f.6. If the contractor is an industry, trade or professional association, a description of the industry, trade or profession it represents, including a specific description of any portion or faction of the industry, trade or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members;

\_\_\_\_\_g.7. If the contractor is not an individual, business entity, or industry trade or professional association, a statement of the contractor's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the contractor principally represents or from which its membership or financial support is principally derived;

\_\_\_\_\_h.8. The county lobbying interests of the contractor;

\_\_\_\_\_5.E. The name and title of a partner, owner or officer of the county lobbying firm who is responsible for filing statements and reports and keeping records required by this chapter on behalf of the county lobbying firm, and a statement signed by the designated responsible person that he or she has read and understands the prohibitions contained in Sections 2.160.120 and 2.160.130.

B. Effective January 1, 2008, a county lobbyist firm which is registered pursuant to this chapter shall retain that status through December 31, 2008, unless and until that county lobbyist firm terminates the status as provided by this chapter. Thereafter, each county lobbyist firm shall renew the registration on an annual basis

and file an annual renewal of registration statement with the executive officer, on or before the 10th day of January of the year of renewal.

**SECTION 4.** Section 2.160.040 is hereby amended to read as follows:

**2.160.040 County lobbyist employer registration.**

A. Each county lobbyist employer, within 10 days of first becoming a county lobbyist employer, shall file with the executive officer of the board of supervisors a registration containing the following information:

1.A. The full name, business address, and telephone number of the county lobbyist employer;

2.B. A list of the county lobbyists who are employed by the county lobbyist employer;

3.C. The county lobbyist registration required by Section 2.160.020 for each county lobbyist employed by the county lobbyist employer;

4.D. If the county lobbyist employer is an individual, the name and address of his or her principal place of business and a description of the business activity in which he or she is engaged;

5.E. If the county lobbyist employer is a business entity, a description of the business activity in which it is engaged;

6.F. If the county lobbyist employer is an industry, trade or professional association, a description of the industry, trade or profession it represents, including a specific description of any portion or faction of the industry, trade or profession which the association exclusively or primarily represents and, if the association has not more than 50 members, the names of the members;

7.G. If the county lobbyist employer is not an individual, business entity, or industry, trade or professional association, a statement of the county lobbyist employer's nature and purposes, including a description of any industry, trade, profession, or other group with a common economic interest which the county lobbyist employer principally represents or from which its membership or financial support is principally derived;

8.H. The county lobbying interests of the county lobbyist employer.

B. Effective January 1, 2008, a county lobbyist employer who is registered pursuant to this chapter shall retain that status through December 31, 2008, unless and until that person or entity terminates the status as provided by this chapter. Thereafter, each county lobbyist employer shall be required to renew the registration on an annual basis, and shall pay an annual registration fee to the executive officer, as provided in Section 2.160.140, on or before the 10th day of January of the year of renewal.

**SECTION 5.** Section 2.160.090 is hereby amended to read as follows:

**2.160.090 Quarterly campaign contribution reports.**

No later than the end of the first month after the close of each calendar quarter each ~~county lobbyist, county lobbying firm and~~ county lobbyist employer shall file with the executive officer of the board of supervisors a report containing the date, amount, and the name of the recipient of each campaign contribution to an elected county official or candidate for elective county office where the total contribution was \$100.00 or more during the calendar quarter. Said report may be made as a part of a quarterly report filed pursuant to Section ~~2.160.060, 2.160.070 or~~ 2.160.080.

**SECTION 6.** Section 2.160.140 is hereby amended to read as follows:

**2.160.140 Filing fees.**

A. Each county lobbyist, county lobbying firm and county lobbyist employer  
~~or other person or entity shall pay a filing fee of \$35.00 when filing or renewing a~~  
 registration pursuant to Section 2.160.020, 2.160.030 or 2.160.040, according to the  
following fee schedule: ~~—and a fee of \$15.00 when filing a registration amendment~~  
~~pursuant to Section 2.160.050, a quarterly report pursuant to Section 2.160.060,~~  
~~2.160.070 or 2.160.080 or a separate quarterly campaign contribution report pursuant~~  
~~to Section 2.160.090. If any such filing is made beyond its due date and after an~~  
~~investigation by the executive officer of the board of supervisors which concludes that~~  
~~the filer is in violation of any provision of this chapter, in addition to the regular filing fee~~  
~~set forth in this section, there shall be an additional fee of \$250.00.~~

	<u>Initial Registration</u>	<u>Annual Renewal of Registration</u>
<u>County Lobbyist</u>	<p><u>If filed prior to July 1, 2008: \$35</u></p> <p><u>If filed during July 1, 2008 through December 31, 2008: \$337</u></p> <p><u>If filed after January 1, 2009: \$450, unless filed during the last quarter of a calendar year (October through December)</u></p> <p><u>If filed after January 1, 2009 and during the last quarter of a calendar year (October through December): \$337</u></p>	<u>\$450 (effective for the calendar year 2009 and for each year thereafter)</u>
<u>County Lobbyist Firm</u>	<p><u>If filed prior to December 31, 2008: \$35</u></p> <p><u>If filed after January 1, 2009: No fee</u></p>	<u>No fee</u>
<u>County</u>	<u>If filed prior to July 1, 2008: \$35</u>	<u>\$75 (effective for the calendar</u>

<b><u>Lobbyist Employer</u></b>	<u>If filed during July 1, 2008 through December 31, 2008: \$56</u>  <u>If filed after January 1, 2009: \$75</u>  <u>If filed after January 1, 2009 and during the last quarter of a calendar year (October through December): \$56</u>	<u>year 2009 and for each year thereafter)</u>
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B. If the filing of an initial registration or annual renewal of registration pursuant to Section 2.160.020, 2.160.030, 2.160.040, a registration amendment pursuant to Section 2.160.050, a quarterly report pursuant to Section 2.160.060, 2.160.070 or 2.160.080, or a separate quarterly campaign contribution report pursuant to Section 2.160.090, is made beyond its due date and after an investigation by the executive officer of the board of supervisors which concludes that the filer is in violation of any provision of this chapter, in addition to the regular filing fee set forth in this section, there shall be an additional fee as follows:

1. \$25 per day for the first ten days after the due date of the filing;
2. \$50 per day for the next ten days if the filing is not made within ten days after the due date; and
3. \$75 per day until the date that the filer comes into compliance with the provisions of this chapter or the date that any other penalties are imposed by the board or the executive officer as provided for in this chapter, whichever occurs first, if the filing is not made within twenty days after the due date.

C. The executive officer may waive any additional fees imposed under this section, in whole or in part, if the violation was not willful and the executive officer

determines that enforcement of the additional fees would not further the purposes of this chapter.

**SECTION 7.** Section 2.160.150 is hereby amended to read as follows:

**2.160.150 Enforcement.**

A. Each person or entity who applies for a county contract, permit, grant, license or franchise shall, as a part of the application for such contract, permit, grant, license or franchise, certify that the applicant is familiar with the requirements of this chapter, and that all persons acting on behalf of the applicant have complied therewith and will continue to comply therewith throughout the application process. A person or entity who seeks a contract, permit, grant, license or franchise from the county shall be disqualified therefrom if any lobbyist, lobbying firm, lobbyist employer or other person or entity acting on behalf of the person or entity seeking the contract, permit, grant, license or franchise fails to comply with the provisions of this chapter.

B. Any person may file a charge with the executive officer of the board of supervisors that any county lobbyist, county lobbying firm, county lobbyist employer or other person or entity has violated any provision of this chapter.

C. The executive officer of the board of supervisors is delegated the authority to investigate any charge that a person or entity has violated this chapter, and to receive evidence and make determinations as to violations of this chapter. Upon receiving a charge that a person or entity has violated this chapter, the executive officer shall give such person or entity reasonable notice of the charge and an opportunity to present information in response thereto. The executive officer shall make a determination as to the accuracy of the charge and shall present this determination

along with the reasons for the determination to the board of supervisors. If the executive officer's determination is that a violation of this chapter has occurred and the board of supervisors agrees, the board may impose the following sanctions:

1. Each person who has failed to comply with the requirements of this chapter shall be refused permission to address the board of supervisors or any county commission, except on his or her own behalf, during such period as such failure to comply with this chapter continues, including any failure to satisfy any other penalties imposed under this chapter;

2. Each person or entity on whose behalf the county lobbyist, county lobbying firm, county lobbyist employer or other person or entity acted in violation of this chapter shall be denied the county contract, permit, grant, license or franchise which was the objective of the county lobbying activities performed in violation of this chapter;

3. Each person or entity who has failed to comply with the requirements of this chapter shall be liable in a civil action brought by the county for an amount up to ~~\$2,000.00~~ \$5,000.00 for each such failure to comply.

4. The registration of each county lobbyist, county lobbying firm or county lobbyist employer who fails to comply with the requirements of this chapter shall be terminated, ~~and such~~ Such county lobbyist, county lobbying firm or county lobbyist employer shall be required to pay all fees required by this chapter and satisfy all other penalties imposed under this section, and shall not be permitted to again register as a county lobbyist, county lobbying firm or county lobbyist employer as follows: until such ~~person has satisfied all other penalties imposed under this section.~~



a. A person or entity determined to be a first-time violator of this chapter shall be prohibited from again registering for a period of up to three months following the board's approval of the termination of the registration;

b. A person or entity determined to have previously violated this chapter shall be prohibited from again registering for a period of up to six months following the board's approval of the termination of the registration;

c. A person or entity determined to have previously violated this chapter on two or more occasions shall be prohibited from again registering for a period of up to twelve months following the board's approval of the termination of the registration.

d. In addition to the penalties set forth in this chapter, any violation of this chapter shall be subject to an administrative fine of up to \$5,000.00, and a noncompliance fee of up to \$5,000.00. Any administrative fines or noncompliance fees shall be issued pursuant to the provisions of Chapter 1.25 of this Code. The executive officer of the board of supervisors shall be designated as the enforcement officer for determination and imposition of the administrative fines and noncompliance fees to be issued and for providing representation, either directly or in conjunction with other county departments, on behalf of the County before the administrative hearing officer as provided for in Chapter 1.25 of this Code.

e. The board of supervisors may, in its discretion, waive any penalties provided for in this section, in whole or in part, if it determines that there was no willful violation of this chapter and enforcement of the penalties would not further the purposes of this chapter.



D. The executive officer of the board of supervisors may develop rules for the administration of this chapter. Such rules shall be presented to the board of supervisors and shall become effective if approved by a majority vote of the board; and

E. The regulations imposed by this chapter are enacted pursuant to Article III, Section 11(6) of the Charter of the county of Los Angeles and California Government Code Section 25207.1. The provisions of Chapter 1.24 of this code shall not apply to the provisions of this chapter.

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*Zee Yaroslowsky*  
Chairman

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